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Dubrovnik Republicanism and its Ideologues

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Summary

The Dubrovnik Republic existed as an autonomous political community, in complex geopolitical conditions, for no less than 450 years (1358-1808). Throughout this period the political system was neither changed nor was it seriously endangered from within. This makes the Dubrovnik Republic a unique phenomenon. The text puts forward a concise analysis of the historical-political circumstances, of the Republic's political and legal system, and of its republican ideology. Furthermore, three important theorists of the Dubrovnik republican ideology are contextualised, namely Nikola Gučetić, Tomo Basiljević and Ivo Nadali. A closer look is provided into Gučetić's theoretical views on Dubrovnik republicanism.

Keywords: Dubrovnik Republic, republican ideology, N. Gučetić

1. Political Structure and International-Law Position of the Dubrovnik Republic

The key role in creating the political and social structure of the medieval Dubrovnik society was played by a group of families which formed the nobility estate. Since the 12th century, the Dubrovnik patriciate was shaped as urban trading aristocracy which governed the Republic and the city until its capitulation to the French in 1808.

According to the sources, in the 11th century, when the city was under Byzantine dominion, there was a people's assembly which approved the laws reached by the nobility, and which consisted of commoners singled out among their peers by their wealth.

The 1205-1358 period, during which Dubrovnik was under Venetian rule, is ascribed varied evaluations in historical writing: on the one hand, Dubrovnik was

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perceived as a faithful copy of Venice – some foreigners held that the citizens of Dubrovnik mimicked Venice "like monkeys",[1] while, on the other hand, the thesis prevailed that the Venetian influence was insignificant, almost non-existent.[2] It was noted that Venetians gave 58 rectors to Dubrovnik, but their commitment to the Dubrovnik cause was infallibly pointed out, rather than their commissioner role in the service of the Venetian lord.[3] There is no doubt that Venice ruled over Dubrovnik for a long time, and Dubrovnik self-government certainly could not be essentially different from the Venetian regulations which applied to other Dalmatian cities under its rule.[4] Dubrovnik looked up to the great Serenissima, and the permanence of the latter's institutions, the unity of its community, the balance of power and social harmony, were concepts which Venice elevated to the level of myth, and Dubrovnik took them over as building blocks of its own ideology.

Upon liberation from Venetian rule, Dubrovnik strived to win the best possible position on the basis of the Višegrad Agreement, to strengthen its autonomy under the Hungarian-Croatian monarchy, and even extend its jurisdiction to Trebinje, Hvar, Brač and Korčula. Initially, Ludovic, the Croatian-Hungarian king, insisted that the king should be the one to appoint the Dubrovnik rector, but he later consented that he be elected by the citizens of Dubrovnik among the royal subjects (with the exception of Venetians and the king's enemies), with no need of appointment by the king. According to the Agreement, the citizens of Dubrovnik were to pay an annual tribute of 500 gold pieces, give military assistance to the Hungarians and accept the Hungarian coat of arms. The king, in turn, allowed them to do trade even with Serbia (wherewith he was at war). The Višegrad privilege, issued in 1358, guaranteed Dubrovnik's independence, legislation, creation of domestic and foreign policy, management of the army and police, and defined the relations between Dubrovnik and the Hungarian kingdom for the coming centuries. Furthermore, on the basis of this document "the Dubrovnik municipality was joined together for the first time with Croatian territories" (Janeković-Römer, 2003: 142).

The relation between Dubrovnik and Turkey is particularly important for evaluation of the historical, geo-political etc. positions of Dubrovnik during a long period of its history. Namely, Dubrovnik's first diplomatic contact with the Ottoman Empire dates back to 1390. In 1430 Dubrovnik established trade relations through-

[1] Notably, French travel writer Philippe de Fresnay (see Janeković-Römer, 1999: 15).

[2] On Venetian republicanism, mythology and ideology, see: Silvano, 1993.

[3] *Annales Ragusini Anonymi item Nicolai de Ragnina*, 41: 231-233.

[4] The best and most extensive historical account of the relations between Venice and Dubrovnik, although with a strong accent on Venetian supremacy, was given by Šime Ljubić (1868: 44-122). He also wrote on the subsequent period (Ljubić, 1871: 1-69). More recently, the subject was broached by Lovorka Čoralić (1994: 15-57), Bariša Krekić (1997) et al.

out the newly-conquered Turkish territories, and after Dubrovnik merchants were locked away in a dungeon, it consented to pay a tribute (Tur. *kharadj*).[5] Since 1441 it was a vassal state to the Ottoman Empire; its yearly tribute was initially set at 1500 gold pieces, and later alternately increased and decreased. What was the significance of this for Dubrovnik? A state's tribute-paying to the Ottoman Empire symbolized dependence, while the Sultan guaranteed, even under religious oath or *ahda*, the internal autonomy of the subjugated state, as well as protection from external and internal enemies (Inalçik, 1998: 113). Dubrovnik received the *ahdnama* or written permission to trade in 1442. The subjects of *kharadj-güzar* are considered, in principle, Ottoman subjects. They enjoy the right of free movement through Ottoman territory, they pay a lesser tariff than non-Muslim foreigners, and the laws of the Empire protect their lives and their property.[6]

Throughout the period of Venetian patronage over Dubrovnik, the latter's political structure was hardly any different from other Dalmatian cities ruled by the Venetians. In that sense, it was a commune or city-municipality, i.e. a community of legally equal citizens (*cives*) enacting its own laws. "It is characterized by autonomy of the city, circumvention of bishop's and king's power, election of consuls, and participation of all male adults in the city's administration" (Janeković-Römer, 1999: 56). The concept of commune comes up in various, albeit very similar meanings: as "common property", "common care", "unity of citizens in the public assembly", or as "sworn unity of citizens".[7] In Dalmatian cities, admittance to citizenship is connected with an oath-taking practice, identical to that in Italian cities where, according to Steindorff, it was performed even longer than in Dalmatian cities due to the weak influence of the Byzantian government. There is evidence of such oath-taking of Dubrovnik citizens, primarily regarding loyalty to the Venetian government. The existence of councils and the division of communal population into *cives* and *populus* draws roots from the Roman municipal tradition. The Dubrovnik commune was legally formed in the 12th century; documents from that time mention the activity of a commoners' assembly and an inner council (Janeković-Römer, 1999: 58). In Dubrovnik official documents, *communitas* first appears in

[5] Robin Harris (1998: 46).

[6] Initially, Dubrovnik had a privileged tariff rate of 2%, less even than the Muslim subjects who paid 3%, while other foreigners paid 5%. But Muhammad the Conqueror raised the tariff rate to 4%. As a result of those privileges, in its golden age from 1535 to 1600, Dubrovnik increased its customs revenues from 17 000 gold pieces to 106 000 gold pieces in the 1570-1572 period, during the Turkish-Venetian war, since the trade of the Empire was henceforth conducted through Dubrovnik. Cf. Halil Inalçik (1998: 114).

[7] Ludwig Steindorff, 1984: *Die Dalmatinischen Städte im 12. Jahrhundert. Studien zu ihrer politischen Stellung und gesellschaflichen Entwicklung*, Böhlau Verlag, Köln-Wien; quoted according to: Janeković-Römer, 1999: 57.

1168, while the designation *communitas Ragusina* is mentioned in an agreement with Kotor reached in 1181 (Janeković-Römer, 1999: 58). Joint decision-making of citizens on city matters (e.g. on establishing church institutions and providing them with donations, on the tribute to the Venetian government, on levies, on the construction of the city or international obligations, etc.) was expressed in formulations such as *universitas popules*, *maiores et minores*, *omnis populus*, *universitas cetus*, *universa urbs*, *omnes nobiles*, *clerici et layci* et al. (Janeković-Römer, 1999: 59). The Dubrovnik Statute, as the collection of all enacted regulations, defines in various ways in various articles the status of Dubrovnik and the decision-making procedure. The citizens had the right to be informed about the affairs of the commune, and the reached decisions were made legally valid only by their approval.[8]

The loyalty of the Dubrovnik population to the social order and hierarchical structure of government was atypical compared to other cities in the Adriatic. The division into estates and the political monopoly of the nobility was accepted as the normal state of affairs, and this removed the main causes of potential unrest. The welfare which prevailed in the city throughout most of its independence, and the possibilities to make profit and, to some extent, climb up the social scale, which were given to commoners within the government framework, were also important factors. The structure of government ensured a privileged position to the nobility, but they, in turn, had to ensure the well-being of the rest of the population. In that respect, they had a much greater social responsibility as estate, and also as families and individuals, than the other citizens of Dubrovnik. The government saw to it that there was no shortage of food or anything else, so it procured grain and kept up the commodity reserves. Due to the importance of grain trade, the state supervised it and severely punished the retailers who wanted to get involved and make a profit. Moreover, the state was mindful of social welfare (assisting the poor who were directly sustained by the government), it secured the material life-conditions (waterworks, sewage, public fountains), it paid the doctors and apothecaries who treated everyone, from the rector to the city's poor, and were not allowed to charge for their services, it appointed teachers for the instruction of youth, and regulated other pub-

[8] Here is an example: in ch. I, par. (3) "civitate Ragusii" is discussed, I (23) deals with "laudo populi congregati ad sonum companarum" (acclamation of the congregated common people, usually at the toll of the bell), while I (29) discusses the rector who holds a "plenary assembly" (concionem plenariam); in 8 (58), which regulates sanctions based on *vražba* (financial compensation for committing murder or cutting off limbs), the Dubrovnik municipality (Comune Ragusii) is mentioned a number of times; in paragraphs 63 and 71 of the same chapter, *laudo populi in publica cunccione* (acclamation of the common people gathered in a public assembly) is explicitly spoken of; the same formulation is used in the preamble to the Statute, which was thus accepted by the common people of Dubrovnik (*Statut grada Dubrovnika*, Dubrovnik, 2002).

lic needs. The government was particularly active in crisis situations (plague, earthquake, drought, danger of war, etc.). The commoners enjoyed free initiative in the economy, and they were equal to the noblemen before the law. Consequently, they joined together with the latter in various business alliances or other kinds of business relations, which, however, did not exclude the estate-related differences.

In late 13th century, the Dubrovnik nobility completely took over the government through the commune's councils, and the estate-related differentiation was legally strengthened in 1332, when the Major Council was rendered inaccessible to the commoners.[9] "During the 14th and 15th centuries, through adaptation of old communal institutions and the introduction of new ones, the Dubrovnik patriciate fully legalised and institutionalised its leading role in society. The established model of patrimonial honorial government in the form of aristocratic republicanism guaranteed the political monopoly of the nobility" (Ćosić/Vekarić, 2005: 9).

2. Political System and Political Bodies of the Republic

The people's assembly was a body which brought together all citizens of Dubrovnik, while the Major Council encompassed the nobility. Through gradual strengthening of its economic and therefore also political positions, the Major Council took upon itself the affairs and competences of the people's assembly. Noblemen joined the Major Council first at the age of 20, and later at the age of 18.[10] The Major Council played a very important role right until the establishment of the Senate or the *Consiglio dei Pregadi* in the 14th century. The Major Council appointed the rector, in the 13th and 14th centuries it granted amnesty, gave assent to Statute alterations, determined the taxes, reached decisions related to war, appointed the diplomatic and consular representatives of the City, granted citizenship, etc., and its numbers varied through history between 70 and 300 members.[11] Each admittance to the Council was recorded and inscribed in the Book of Nobility (*Specchio della Nobiltà*). The Major Council admitted a new member based on a certificate, which he had to submit, regarding his education and good conduct; this certificate was issued by the governor of public education (Krizman, 1951: 24).

[9] The Major Council was formally declared a close council on May 12, 1332 by decree whereby it was requested that three men of quality be elected, who would make a list of all former Council members, and of others whom they find worthy of membership (Janeković-Römer, 1999: 62).

[10] The age limit was lowered after the 1348 plague, which decimated the nobility. Until then, a member of the Major Council had to be at least 20 years old. Thereafter young men of 18 were admitted, in 1603 the age limit was raised again to 20, and in 1623 it was lowered yet again to 18. Cf. Vojnović (1891: 46).

[11] This can be considered the maximum, although it is perhaps more realistic to accept the views of some historians that the Major Council consisted of 250 members at the most.

The *Consiglio dei Pregadi* or the Senate was structured after the equally named Venetian institution. It is believed that the Senate started to function in 1305, initially with 21 members; then the numbers continually increased until, in late 15th century, they reached 61, but after the great earthquake in 1667 they were reduced again to 45, and it remained thus until the end of the Republic. At first the senators were appointed for one year, with no option of mandate renewal. But the senators in fact became the most eminent members of society and in practice held the mandate for life, although the Major Council retained the right to confirm them every year, in order to perform efficient control of their work and, if necessary, rectify mistakes in their functioning. The Senate was the actual bearer of power, it decided on the key issues of domestic and foreign policy. Its competences, however, were not strictly defined, nor were the competences of the other bodies of the Republic, which is why it came to pass that in different times different bodies decided on the same issues (Vojnović, 1891: 56).

Scientists never gave a definitive estimate of the number of families in Dubrovnik. It varies between 78, according to a mid-14th century evaluation (Irmgard Mahnken), and 175, out of which 73 died out by 1361 (Josip Lučić).[12] In their discussion of relations between the two opposing sides in the Great Conspiracy in early 17th century, Ćosić and Vekarić used a more precise and adequate approach to investigation of interests and influence of particular families. Namely, they identified and placed in interrelations the *casatas* (186 *casatas* divided into 28 families), and obtained very interesting results: frequently the *casatas* from less influential families were more important than those which came from supposedly stronger families (Ćosić/Vekarić, 2005: 36). Thus, by calculating the key functions in various periods, they came to the conclusion that the most numerous were not also the most powerful. The calculation is based on the investigations of Zdenko Zlatar, who demonstrated that, in the 1440-1640 period, the most influential *casatas* were from the families of Gradi, Gondola, Giorgi and Cerva, which were not the most numerous (Zlatar, 2002: 147-168). Some contemporary chronicles, for instance, spoke of 153 (anonymous) or 152 (Ragnina's chronicle) families. The fundamental criterion of nobility, i.e. citizenship, was the possession of real property. Since in the 15th century of the city of Dubrovnik had a population of approximately 6500-7000, it is estimated that the portion of nobility in the total number of inhabitants was a high 20%. Compared to all other cities of the time, this percentage was exceptionally high; elsewhere it varied between 2.5 and 3 percent of the population (Janeković-Römer, 1999: 228). This is an absolutely distinctive trait of the Dubrovnik example, which singles it out among all other contemporary examples of the republican order. After the closure of the Major Council, admittance into nobility was possible

[12] Janeković-Römer (1999: 227).

only to foreign dignitaries who made great favours to the Dubrovnik Republic, but this occurred only in exceptional situations and after a long procedure. Still, not even they ever had the same rights as other noblemen. The newly-admitted aristocrats were called *cives de consilio*, and their attendance at the council was only ceremonial, while decision-making in the councils was reserved exclusively for native Dubrovnik noblemen (*nobiles cives nativi Ragusei*). Abuse and mistakes in civil service could cause loss of nobility most often for 2-5 years, sometimes for 10 or even 20 years, while treason, if not punished by death, entailed loss of status for life (Janeković-Römer, 1999: 239).

Loss of membership in the Council also occurred in case there were no descendants (e.g., the Držić family), so that the family or house (*casata*) lost its nobility status, or in case of long absence from the City, or even in case a family would not return to the City in time of plague. The boundaries of a noble family were not set by blood relation but by law. Consequently, descendants born out of legal nobility wedlock were not considered family members. The legality of nobility heritage was never questioned.

The Minor Council was the executive body of the government, first of the Major Council, then of the Senate. Initially it consisted of the rector and eleven Minor-Council-members, and later by the rector and six council-members/senators. The Minor Council elaborated the decisions of the Major Council and the Senate. In the Minor Council office, the government's varied conclusions, provisions and directives were technically and administratively brought to life. The Minor Council deliberated on issues of lesser importance, reached decisions in naval disputes, organized competition for consuls and managed the treasury, from which the minor expenses of administration were covered. It also deliberated on various pleas, submissions, appeals and reports, but the final decision was reached by the Senate and the Major Council.

In addition to other magistrates, the Major Council elected every year the so-called "proveditors" or keepers of justice (five of them, later three). Their competences included compliance to laws and legality. They could intervene in the sessions of the Senate and the Major Council and prevent the reaching of all conclusions and decisions which, in their judgement, were not in accord with the laws and with justice.[13]

The rector was the symbolic bearer of power. At first (until the 12th century) he was called *prior*, after that *comes*, and since 1358 – *rector*. With time his role and

[13] This decision was modelled after the Venetian institution of the Council of Ten, which performed a very important function and practically controlled the government. See Charles Diehl (2006: 61).

mandate changed, and his competences were reduced, as well as the time-period in office. Through most of the Republic's existence his mandate lasted one month.

The designation "republic" was first used by the Dubrovnik government in mid-15th century.[14] *Res publica* is mentioned for the first time in a 1388 provision regarding the mode of voting in the council, and this implied the mode of governing, republicanism: "Ut recte et salubriter res publica gubernatur et remotis erroribus bonum comune multiplicetur et crescat..." (Nedeljković, 1984: 65).

The designation "republic" was used ever more frequently in correspondence with foreign cities and states. But it was not included in the Statute of the city of Dubrovnik itself, so that from beginning to end, i.e. to the Republic's downfall, its central official document spoke only of municipality (*commune*) or city (*civitas*). From the middle of the century, foreign rulers also started to refer to Dubrovnik as a republic, long before the designation appeared on the official seals of the Republic. Venice alone remained consistent and kept on referring to Dubrovnik as a municipality (*commune*), since it held that it alone had the right to call itself a republic (Mitić, 1987: 495).

3. The Legal System of the Dubrovnik Republic

The Dubrovnik Republic was based on a number of legal, statutory and other legal documents, created during the centuries of the Republic's development and existence. For all cities on the Adriatic coast, for the communes, usually under the dominion of Venice, the principal document was the statute.[15] The Statute of the City of Dubrovnik was put together in 1272 under rector Marco Giustiniani, and renewed in late 14th century. But the Statute was not the only document regulating the city's life. There were many distinctive regulations, which were created and widely accepted long before the statute (e.g. in the domains of obligatory relations and maritime law), but most important was that which is called common law (*consuetudo*). This common law was derived from the Statute and connected therewith, which is why one often speaks of the "custom of statute of the city of Dubrovnik". However, common law could be the entire positive law of the Republic, but also the designation of someone's subjective right (Lonza, 2002: 13).

[14] Though some hold that the designation was first used in 1358 (Ćosić/Vekarić, 2005: 10). The use of the designation "republic" dates back to 1420. According to: Mustač, 1998: 41-46.

[15] The word "statute" is not entirely unambiguous. Namely, it is perceived primarily as a single provision or norm. Furthermore, it is used for legal provisions related to a certain matter (e.g. Statute of the minor court, Statute on wine tolls, etc.). In some Dalmatian cities "statute" designated a collection of provisions enacted in the same period. Also, the word "statute" sometimes indicated an entire statutary collection (*Volumen statutorum*, *Liber statutorum*, *Statuta* etc.). For a more extensive treatment, see: Lonza, 2002: 12-13.

Still, the Statute was the foundation of the legal order of the Dubrovnik Republic. It encompassed many previously applied regulations, and many regulations were stipulated in writing for the first time, but the Statute left ample opportunity to parties to reach agreements in accord with or regardless of the provisions of statutory matter. This was particularly pronounced in mercantile law (*lex mercatoria*), which was applied in complex trade operations to which the citizens of Dubrovnik resorted as their basic activity, and the participants could, on the basis of mutual consent, reject the statutory norm by introducing a stipulation (*renunciando*). The Statute enumerates cases very extensively and sets down norms for their resolution, but "statutory norms often lack abstraction, which is why they could not be applied with no elastic interpretation" (Lonza, 2002: 14). Cases were first resolved by analogy, and it this was not possible, the rules of common law were applied. If they offered no foothold either, the court had the liberty to decide in a particular case. Just like in Venetian law, the court was the most creative part of the legal order.[16]

In legal practice there is record of two essential revisions of the Statute: the first in 1272, done after the Venetian model at the time when Dubrovnik was under the Venetian rule, and the second in 1358, when Dubrovnik joined the Croatian--Hungarian kingdom (formally, while in fact it was truly independent and free). The Dubrovnik Republic was determined to make a major turn in legal-regulative practice, but it was unsuccessful in this endeavour. For this reason, as of 1335 a new register of regulations was introduced: the Book of All Laws (*Liber omnium reformationum*), which was supplemented with new regulations. In 1409-1410 this collection was replaced by the "Green Book" (*Liber viridis*), which was, in turn, replaced in 1460 by the "Yellow Book" (*Liber croceus*). The register was not changed because the previous book was full, but because the regulations were not recorded in an orderly fashion, so that the government intended, by opening a new book, to conduct a more complete and orderly registration of regulations. This resulted in confusion, since many regulations were recorded several times in different places, while some were not, and it was unclear which regulation was in force.[17] Consequently, in early 15th century it was decided to close the books and determine once and for all which regulations were in force, and which were not. Following the de-

[16] On the judiciary of the Venetian Republic, see: Pansolli (1970), Zordan (1984).

[17] Upon liberation from Venetian rule, the citizens of Dubrovnik wanted to alter the text of the Statute. After the two commissions completed their work, they called upon all those in possession of a transcript of the old Statute to bring it forth so that the authorities could correct it and return it to the owner. The decree included severe sanctions against all who failed to comply. But when the government fulfilled its intent, it made no further effort to keep its promise (Lonza, 2002: 25-26).

cision of the Minor Council, a new official transcript of the Statute was made (this work was completed in 1437).

In the 16th century, the Dubrovnik authorities intended to bring order also into norms of civil law and penal law, and to bring legal practice in harmony with canon law and Roman law, and with a huge number of individual regulations, but this work was never carried out and the reform never went beyond the planning stage. The conservative strand prevailed, which insisted that the old regulations and the way they were introduced, i.e. recorded, remain intact. The text of the Statute itself was never printed prior to the downfall of the Dubrovnik Republic.[18] An explanation for this is found in the simplicity of the system and the fact that all decisions were reached in two physically connected buildings (Lonza, 2002: 32). The alterations introduced into the text of the Statute were mostly implemental measures which did not affect the statutory text, but in essence deviated from it nonetheless.[19]

There were a number of cases in which statutory rules were disregarded when the Republic's interest was of primary importance, especially in disputes and relations with foreign rulers and states. In some cases one deliberately resorted to different kinds of consequences from the ones stipulated by the Statute. Still, such relativization of the Statute was a rare exception. The Statute retained its symbolical relevance and permanence in everyday political life, but also in ritual situations of rector or council-member election, or of admittance of a foreigner into citizenship. Namely, all such events included oath-taking on the Statute; one would lay one's hand on the open book of the Statute and simultaneously bow.[20] Although the text

[18] The printed text of the Statute was first published in 1904, almost a hundred years after the Dubrovnik Republic ceased to exist. The text was prepared for publication by Konstantin Jireček and Baltazar Bogišić.

[19] Supplements were made to the norms which were the expression of the political will: for instance, in 1401 one Bokšić was apprehended who was in connivance with conspirators which the government had dealt with one year before. He was caught in theft for which a very high fine was decreed, twice the value of the item stolen. If he refused to pay, both his eyes would be cut out. Since the Statute stipulated no deadline for payment of the fine, a provision was enacted that the fine must be paid before the chancellor should speak the Lord's Prayer. When he failed to do so, the provision of eyes-removal was put to effect. The same treatment was applied to the pirates, who were given the payment deadline "until the candle burns out", and then they were executed (Lonza, 2002: 36).

[20] One took an oath and laid one's hand on the book of the Statute, open on a particular part of the second book (II, V, Sacramentum consciliariorum Minoris et Maioris Consilii). The oath began as follows: "I, a Dubrovnik councillor, swear on the sacred Gospels of the Lord, that I shall come in good faith, with no pretence and evil intent, and give right advice, according to my conscience, whenever our lord the rector, or his deputy, should summon me by bell or herald on the honour of our afore-mentioned lord the doge and our lord the rector, or his deputy, and on the salvation of our homeland, and that I shall not falsely assist a friend or harm an enemy". Until

of the Statute was inappropriate, for it was obvious that it was first used for oath--taking of Minor-Council-members, and later for the oath-taking of Major-Council--members, whose competences had in the meantime largely changed, the text was not to be touched, for it was considered almost sacred. The text put emphasis on the fundamental values of the Dubrovnik Republic: loyalty to the homeland, respect of legality, impartiality and confidentiality.

Legality as the foundation of the state, safeguarding the city as well as its walls, is the starting point of the Dubrovnik Statute (expressed in three simple proclamations: *pax – libertas – securitas*). Its Proem speaks of man's role in the world, and finds that justice is that "which consolidates empires, strengthens kingdoms, expands principalities, increases and multiplies cities, gives forth accord, nurtures peace, incites persons and nations to live peace-loving and quiet lives".[21]

4. Republican Ideology of the Citizens of Dubrovnik

In its exercise of power, the Dubrovnik patriciate built for years its own etatistic ideology fraught with myths and mythologems regarding its role in history and its merits for the welfare of the state. Similarly, other oligarchies which existed at the time, especially the Venetian one, strengthened their position and role (Silvano, 1993: 166-167). Central was the myth on nobility as founders of the city, which served as basis for the notion of Dubrovnik independence, freedom, and ideal social order resulting from the virtues of aristocracy. Thus the indentification of nobility with the state was given an absolute position, and the patriciate was legitimized in the legal, political, historical and every other sense. The myth on the Epidaurian origins of the city of Dubrovnik, and consequently on the Roman origins of the Dubrovnik families, was particularly important. In this way, the Dubrovnik aristocracy linked itself with classical antiquity and with Roman roots, but also, in some legends, with the Slavonic element (Harris, 2006: 19-23). Each family tried to link its genealogy with the Roman tradition and an indisputable tradition of nobility (Janeković-Römer, 1999: 42-43 ff.). "The rise of the Dubrovnik nobility was a unique phenomenon on the East-Adriatic coast. In contrast to Dubrovnik, the nobility of the Dalmatian cities under Venetian dominion gradually lost its prerogatives, and thus also a major part of the prestige of its estate" (Ćosić/Vekarić, 2005: 11).

the 18th century, the text was read in the original Latin version, and subsequently in the Italian translation (Lonza, 2000: 18).

[21] The Statute of the City of Dubrovnik put together in 1272. Based on the critical edition of the Latin text by B. Bogišić and K. Jireček, edited and translated into the Croatian language by A. Šoljić, Z. Šundrica and I. Veselić. Introductory study written by Nella Lonza, State Archive in Dubrovnik, Dubrovnik, 2002, p. 79.

The traditional law was transferred into written norms binding to all civil servants, all noblemen, commoners and other inhabitants of the city. In the introduction to the Dubrovnik statute some sort of social contract is endorsed, for the statute stipulates that the nobility is given the mandate of legislation not only by God, but also by the common people.[22] The Dubrovnik patriciate saw itself as guardian of the original Greek and Roman republicanism, and as bearer of republican virtues (patriotism, courage, generosity and honour).

The laws of the Republic were derived from ancient laws and customs. They were altered rarely and with great difficulty, or, as Nikola Gučetić, one of the greatest advocators and theorists of the Dubrovnik republican thought, pointed out, only in case of great need and extreme necessity. The laws were autonomous, and the application of no other law from the Mediterranean circle was permitted. In mid-15th century the judiciary was structured in such a fashion that the civil court was separated from the penal court, and the court of appeals was introduced. State attorneys performed the duties of state prosecutors, they could institute legal proceedings and propose punishments for criminals. In principle, the laws applied equally to all, noblemen as well as commoners. There are records of many cases in which commoners pressed charges against a nobleman, and their complaint was successful.

The ideals of modern democracy to divide power, i.e. that each power is subject to checks and balances, and that they are separated from one another, were not a trait of classical republicanism, or, consequently, of Dubrovnik republicanism. Although the offices were largely distinct, most often permanent, and in many cases temporary (in mid-15th century the state apparatus encompassed cca. 160 civil servants), the division of power was not fully implemented.

The performance of functions derived from government in Dubrovnik was considered a duty, and no nobleman was allowed to evade it.

As a political system and an ideology, the Dubrovnik republicanism did not come to existence all at once, nor was it identical in all periods. It certainly is unique with respect to other republics of the age, especially the Venetian and Florentine republics, but it was also built through many centuries, from a communal system (like all other Dalmatian cities), to an aristocratic, republican, and also somewhat oligarchic system, particularly in the time of decline of the Republic, prior to the arrival of the French. It is difficult to say to what extent and in which period the government was oligarchic. There were mechanisms of balanced representation of all families in

[22] "We decree and establish that this Statute, which has been confirmed and empowered by both the Minor Council and the Major Council, with the approval of all the common people assembled, according to custom, at the toll of the bell, is henceforth applied and enforced both inside and out of courts", *Statut*, *op. cit*., p. 81.

government; undoubtedly, however, some families were more influential, and some others less powerful.

In various times and in various ways the political system was perfected in accordance with the requirements of mythologizing ideological norms. Rectors' mandates were restricted until reduced to one-month duration; in domestic policy, transgressions of noblemen were penalized rather rigorously, especially if they endangered the safety of the Republic. In case treason was proved, punishments were draconic, public decapitation of the conspirators and dismemberment of the perpetrators. We know of several such rebellions.[23] All conspirators were executed, their property confiscated, their sons banished, and their daughters confined to monasteries so as to prevent them from producing children. Their relatives were not allowed to take up any important public function. Their graves were marked, and in the Book (*Specchio*) of the Major Council, next to the rebel's name, the following was inscribed: *proditor et rebellis patriae* (traitor of the homeland and rebel).

One stopped at nothing in order to protect the common interest, and no proclamations about freedoms of individuals or groups carried any weight. The freedom of one was comprised exclusively in the freedom of all.

5. Ideology and Theorists of Dubrovnik Republicanism

Political theory, as the supporting construction of Dubrovnik domestic and foreign policy, did not exist. There was a tradition, upon which the ideology of government was built and embellished – on this basis, everyday life was determined, and the political and every other form of behaviour of noblemen, commoners and political bodies of the Republic was standardized (Janeković-Römer, 2003a: 9-44). Gučetić's work is a systematic attempt at reflecting on the political practice and theories which are applicable to the Dubrovnik reality, i.e. which result from it.[24]

His standpoint was clear: the Dubrovnik nobility legitimately governs the city, just like many others in other cities-states, and that is the best order in which po-

[23] Namely, the rebellion of the people of Lastovo, the Konavle rebellion in the late period of the Republic, and, in particular, the ineffective, but literarily most widely known attempt of violent uprising by Marin Držić with Medici assistance. The Statute itself was unequivocal regarding sanctions against the conspirators (VI, 2): "Whosoever should found a band of conspirators under oath or promise, in case such deed is successfully proven, and if such a one is the leader or founder of said band, he shall be put to death; if he should flee, he shall be forever banished and deprived of all his property. Whosoever shall bind himself to such band by oath or promise, but is not the leader thereof, shall be imposed a fine of 25 *perper*, and if he should be unable to pay, his right hand shall be cut off, and if he should flee, he shall be forever banished and deprived of all his property."

[24] Nikola Gučetić, *O ustroju država* (*On the Structure of States*, 2000) and *Upravljanje obitelji* (*Family Management*, 1998).

wer is held by the best: "But the states of the world were varied and different, some governed by noblemen, some by the rich or others, and fortunate were their governments and empires. The Venetian Republic and our own, which, in its design, was to be modelled after it, with such a form of government, are of greater longevity than the states of the Romans, Florentines, Sienese and Pisans, and the presently living states founded on the government of aristocracy are Lucca, Alborgo and Nürnberg. Similarly, the ancient states of Samos, Kerkyra, Rhodes and Knidos, and almost all others in Greece, which Lysander transformed upon victory into government of aristocracy from the most ancient families, were secure and enduring. Thus, general equality in the leadership of some cities did not bring about as much security as equality which the leaders recognized to all those who were predestined since the inception of the state to participate [in government], in accordance with their virtues and honourable qualities" (Gučetić, 2000: 85).

Gučetić finds republican principles in a mixture of orders, primarily in the government of the majority and the government of the minority, and the freedoms connected therewith:

> Our Philosophers says of the republic that it consists of the government of few and of many, and that it is a mixture thereof. Of many, I say, for, as you will have understood, the government of the people is truly the government of freedom, and all the people participate in government equally. This is why free cities are usually called republics. It consists of [the government of] few, I say, for it may be assumed that such few are excellent and perfect, since nobleness and ethical virtues are accompanied by wealth also, through the advantages of which one, should one so wish, can easily become learned and virtuous. The poor, on the other hand, are forced first to strive for that which keeps us alive. Thus the political order called republic is the government of the people inasmuch as it respects freedom, and [the government] of few inasmuch as wealth is the means by which man becomes noble and virtuous.[25]

Gučetić speaks of the republic in a number of other places, pointing out along the way that he refers also to the Dubrovnik Republic, and its particular practices and practical experiences.

According to Gučetić, there are elements which define all states, and without which this designation cannot be used (place, territory, etc.), but a state is primarily defined by the mode of functioning of the government, i.e. whether the government and political orders are just or unjust. Although his intent is to determine the es-

[25] Gučetić held that wealth was important, but only if acquired in a fair and legal way: "Wealth is of use to states, and to individuals, but it can cause grave dangers which normally accompany wars. One must strive not so much to enable citizens to amass wealth, but not to become wealthy contrary to good sense and to human and divine laws", Gučetić, 2000: 146-147, 244-245.

sence of the state, Gučetić realizes, like Aristotle, that it depends on the type of the system of government.

The tri-division of power is present already with Aristotle, but not yet in the modern sense. In Book IV Aristotle distinguishes between the advisory (*bouleuomenon*), the executive (*to peri tas archas*) and the judiciary (*dikazon*) parts.[26] Gučetić is also familiar with this division from the Dubrovnik practice, in which the judiciary was separated from the executive power upon departure of the last Venetian rector in 1358. Thereafter the appointment of judges was transferred from the Minor to the Major Council, and in 1422, in civil lawsuits, the judiciary was completely exempt from the executive power (rector and Minor Council members) through the forming of a special *Curia consulum causarum civilium*. However, criminal offence trials remained within the scope of authority of the Minor Council until mid-15th century, when a separate Court of six for civil action was instituted.[27]

In Gučetić's interpretation of Aristotle, the city is more perfect than the individual and it is "naturally superior to man, since the whole is ever more perfect than the parts, which is clearly shown, for when parts were to be separated from the whole, they would be deprived of all quality, and consequently of perfection" (Gučetić, 2000: 98).

People are born to rule and to obey, i.e. free people are born to rule and to obey, and a true citizen is one who is "of ability and birth for services and bodies of government, and who is able to give council, judge and administer, although those who are born to free citizens are also termed citizens" (Gučetić, 2000: 191-192). One can become a citizen by birth, but also by right received, for instance, from a ruler. Civil rights cannot be limited solely to rights acquired by birth. The true citizen must behave like a bee or a seafarer – as part of the state, recognized by concord and unity (Gučetić, 2000: 196). The virtues of a good (perfect) man are higher than those of a citizen – a combination of all of them can be found only in a perfect ruler. Prudence is the virtue which binds all others to itself, and it is much more necessary to the ruler than to the citizen, naturally in connection with other ethical virtues (Gučetić, 2000: 141).

Gučetić was an advocator of the rule of law and of written laws. Accordingly, in a number of places he is sceptical about any advantage of the ruler over the laws. In this he fully accepts the antique tradition and Cicero's principles of laws as the foundation of freedom (*omnes legem servi sumus ut liberi esse possumus*). The importance of laws for every community results also from a fact which is plain

[26] Aristotle, *Pol* IV, 1297b35-1298a9.

[27] After that, *Giudici del criminale e del civile*, i.e. judges independent of the government, were instituted. Cf. Luccari, 1605: 161-162; see also: Vojnović, 1891: 37-38.

to Gučetić as it was to Aristotle: the principle of each government is to seek absolute power and complete domination – consequently, the principle lies not in the understanding, but in the passions (Gučetić, 2000: 141). The role of the law is to command (*comandare*), forbid (*vietare*), punish (*punire*) and concede (*concedere*) (Gučetić, 2000: 212). The laws, in turn, are oriented toward two things: one is turned toward the rulers, so that they can rule, and the other toward individuals, so that they know how to obey. In all well-ordered states there is a ruling body which is the keeper of the law and which, in Plato's judgement, should not accept anyone younger than sixty.[28]

The relation between the people and the laws is also important: the people must not only be familiar with the laws, it must submit to them and respect them. By respecting the laws, the citizens make the state safer. Furthermore, participation in the passing and implementing of laws, as the key republican principle, makes the people the key factor of the state, without which the latter falls to ruin.

In conclusion, Gučetić's fundamental principle must be stressed: all that serves for preservation and functioning of the state is good and justified: the functional principle must be served by laws as well as by the rulers, i.e. types of the system of government, which is also a republican precept.

The state's perfection lies not in arms and conquests, but in peace and work, in civilization. In that sense, Gučetić advocates the republican system which combines the positive elements of the government of the minority and the government of the majority. Namely, in both modes, the criteria of wealth and poverty as "afflictions of the state" are eliminated. The Dubrovnik noblemen made sure that the members of their estate were wealthy, because impoverished noblemen lost their social influence and esteem. In that sense, Gučetić also held that the state must be governed by the wealthy, for they are less likely to misuse power, unlike the poor, who might be tempted to abuse their position in order to get rich (Gučetić, 2000: 122).

In Gučetić's view, the republican principle of replaceability and limitation of mandate is the main obstacle to misuse, and especially to unjust orders, which then lead to justified rebellions and instability of the community (Gučetić, 2000: 139).

The electoral procedure in Dubrovnik, modelled after the one in Venice, was very rigorous. Numerous regulations from the 14th and 15th centuries have to do

[28] Plato, *Laws*, VI 755a. In Dubrovnik also, but in particular in Venice, which Dubrovnik looked up to, age was very important for election into some offices. During the Renaissance, the average initial age of the Venetian doge was 72, while the corresponding average for contemporary European rulers was 33, and for popes 54. The situation in Dubrovnik was similar, although, as opposed to Venice, one cannot speak of gerontocracy there. The citizens of Dubrovnik released its nobility from office outside of the city after the age of 70, and their absence from Major Council sessions was not penalized (Janeković-Römer, 1999: 119).

with prohibition of electoral scheming (*broglio*, *bagra*, *fazio*), particularly of deal--making and pressuring council members during the voting (Ćosić/Vekarić, 2005: 14). The persons who did that were severely punished. Civil servants were elected by double voting (*scrutinium*), drawing lots (*per sortem*) or appointment (*per angariam*).[29] The mandate of the rector was repeatedly restricted, regardless of the fact that the rector, unlike the Venetian doge, had only formal, mainly symbolic duties, until it was reduced to a one-month period.[30] For Dubrovnik legislators, the electoral procedure was sanctimonious (*sanctimonia*), and thus all secret agreements could be denounced as treason (Lonza, 2000: 36-37).

Gučetić asserts that, whatever his relation toward the law, the ruler must possess righteousness and other ethical virtues, he must love the state he rules, and be satisfied with the order left to him by his predecessors, for new things are quickest to corrupt the government. Finally, all competences on the basis of which he rules and commands must be in conformity with the laws and the decisions of the people (*sia conforme alla legge e che sia secondo la dispositione del popolo*) (Gučetić, 2000: 244-245). Such views reflect the republican practice of Renaissance Dubrovnik, for the rectors truly had to be the most virtuous among the nobility, and the foundation of their government was tradition, i.e. the legacy of the elders.

Gučetić, however, advocates the electoral character of the government rather than hereditary rights, and the view that the ruler must adhere to the laws rather than transgress them. He must express the will of the people, since the people is the supreme legislator which must keep the competences given to the ruler under control, so that the latter does not become a despot: "... I say to you, lord knight, that it is much better to have a ruler by electoral rather than by hereditary [right], for those who are elected are the best among the good, as it was in the days of old in Athens with the one they called 'archon', nowadays called by some 'doge', and by others 'rector'. We find it doubtful also whether it is appropriate for the ruler to have extensive competences on top of those that belong to him by law. If we are to resolve this, I am telling you that it is reasonable that, in addition to the legal ones, he should have those [competences] as well, for otherwise he could not apply the laws if he had no other competences. The second reason is not valid here, namely that

[29] According to the records, it came to pass that someone put a dice into the box instead of the ballot ball. It was noted that this was a disgrace to hear of, an even worse disgrace to see, but the worst disgrace had to do with the fact that it would never be forgotten. It was decided that the "dicer", should he be discovered, would be fined, and his right hand would be cut off (Janeković--Römer, 1999: 110).

[30] There was another interesting practice: the new rector signed a log sheet on the handover of duty, which contained specific detail on what he found upon arrival at court and a list of what remained after he left.

with such competences he would easily turn into a despot, since it is not my wish that in those competences there is no measure or limit, and that he should prevail over the might and government of the entire people" (Gučetić, 2000: 228-229).

Gučetić speaks of the people's sovereignty in several other places, being of the opinion that the people is sovereign in decision-making and discussion regarding all relevant issues, but that through election of his representatives (the senate) it loses its right, transferring it to the authorized bodies:

"In the governement of the people it befits all citizens to hold council about everything, for their freedoms are equal. But you must note that, with regard to this, one must first take into account that, in point of fact, not everyone is in all cases equal, although it is true that in the governement of the people all are equally council members. ... But when laws are brought, or decisions are reached on war and peace, or governing bodies are appointed, all kinds of citizens participate in council, except that it is to the governing bodies that the decisions or rulings are transferred" (Gučetić, 2000: 266-267). Gučetić wrote quite explicitly and repeatedly about the harm and danger brought upon the Republic by treason, secret societies, conspiracies, etc. History records cases of such conduct, but the Dubrovnik Republic punished this very rigorously. Conspiracy was the most vicious affliction in the peaceful times of the Republic, which is precisely why it met with such severe punishment. Many regulations from the 14th and 15th centuries protected the intra-estateal egalitarianism and the electoral procedure. The 1394 provision strictly banned all conspiratorial activity, the forming of political factions or leagues among the nobility. Moreover, numerous regulations had to do with the ban on electoral scheming, especially deal-making and pressuring of council members during the voting.

Still, more recent investigations show that the rupture into two interest groups came about much earlier, in early 17th century, and that the cause was of private rather than public nature. Such a division remained throughout the existence of the Dubrovnik Republic, with permanent tension and a latent possibility of escalation of conflict between *the Salamnchesi* and *the Sorbonesi*.[31]

Only one thing is obvious: never in the long existence of the Republic, except on rare occasions, did dissent among the nobility come out in public or bring into question the Republic's survival.[32] Fruitless attempts by individuals to overthrow the system served – just like in Venice – only to strengthen the republican ideology and invigorate the internal cohesion of the society. In those attempts, all the means

[31] For a more elaborate treatment, see: Ćosić/Vekarić (2005; 2001: 305-379).

[32] In the collections of the Major Council, there are only a few decisions that were reached unanimously. Decisions were mostly reached through outvoting, and sometimes the result was pretty close. Still, the discussions were never recorded, only the voting results.

were used which others had already tested and which put the community interests before all particular interests, however powerful and important the individuals or groups actually were (this notable principle was carved into the stone at Rector's hall: *Obliti privatorum publica curate*). The primacy of the law over political practice and the consistent and tireless interpretation thereof gave permanence and stability to the community. In the complex geo-political conditions, this was precisely the constant of Dubrovnik republicanism, which Nikola Gučetić, among others, tried to devise and define theoretically.

The devising and advocation of the republican political structure and political ideology later benefited from contributions by other citizens of Dubrovnik as well. One of them, in the 18th century, was Tomo Basiljević, who pointed out, in his writing entitled *Interests and Duties of a Republican, from a Citizen of Ragusa*, that Dubrovnik indispensably had to have a republican system. His starting principle was that Ragusa "avoided extremes and did not seek permanent felicity in unlimited Rule of the nobility or in unlimited Democracy" (Basiljević, 2003: 250). Consequently, power had to be "mixed and moderate", and its efficiency would be fully manifest "only in republican governments, where the power of the Senate and the power of the people, evenly balanced, are mutual guarantees of their virtue, their rationality and their adherence to the law" (Basiljević, 2003: 252-253).

The idea of republicanism did not fade away after the downfall of the Republic. Ivo Natali attempted in his manuscriptural legacy, i.e. in his voluminous writing *Storia di Ragusa* (*History of Dubrovnik*), to reconstruct the republican past of Dubrovnik and point out the advantages of such an order in comparison with others. The republican virtues of Dubrovnik preserved the corresponding order for many years, but trade with the "effeminate city of Venice", the political, religious and demographic sources of the crisis, as well as the division into two *partite*, were, in Natali's opinion, the main causes of downfall of the Dubrovnik order.[33] Like Gučetić and Basiljević, he too found republicanism in classical antiquity, in Aristotle and Tacitus, but also in Montesquieu, and he traces the collapse of the Dubrovnik republican system of values down to trade and the spirit thereof:

> But the spirit of trade, when it is not held in check by other institutions, weakens the spirit of republicanism or of good community, and, also, the spirit of independence. It has such a double effect for four reasons: first, by increasing wealth, it introduces luxury and reduces the strength of soul and customs. Second, by making more complicated the business transactions which it brings along, it makes it easier to cheat. Consequently, morality falters, and morality is the soul of every society. Third, having found its own advantage in selling goods at high prices, the

[33] On this subject, see: Vuković (2008: 177-198) and Vrandečić (2002: 227-240).

> tradesman desires shortage of such goods in the country, which is why he is prone to rejoice when famine sets in, and, if he is corrupt in nature, even to cause famine for greater gain. Thus, as regards trade, his personal benefit is in opposition to the public well-being, i.e. to the republican spirit. Fourth, in order to do business, the tradesman must constantly transport his merchandise and capital through foreign countries wherewith he does trade, and so he is personally interested in the security of said countries. Now, through advancement of his trade, he gained all possible benefits and good reputation for himself and his family. When he finds that this is dependent on the advancement of the countries where he keeps his merchandise or capital, or where he hoped to acquire additional wealth through trade, and that the political interests of those countries are in opposition to the political interests of his homeland, he is driven by personal interest to be partial to the former rather than the latter, and he certainly does not cooperate wholeheartedly, as each patriot should, in thwarting the former. (Natali, 2008: 199)

Republican ideas, formulated on the basis of republican tradition and Dubrovnik practice, find their place in classic republican theories, but also in modern reflections on and re-actualization of the republican thought. The fact that the Dubrovnik Republic persisted for hundreds of years with the same system of government and with no major opposition or difficulty, makes the Dubrovnik system an important example and significant argument in favour of any republican theory. Virtues, freedom and, in particular, preservation of the community's public good are pointed out as key aspects also in the projected renewal of republican tradition, especially in the works of the so-called Cambridge School (Pocock, Skinner, Viroli, etc.). This is why the Dubrovnik experience is useful to this very day.

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